

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CV-583-BO

KEITH CHEEK,
Plaintiff

v.

CAROLYN W. COLVIN,
Acting Commissioner of
Social Security,
Defendant.

ORDER

This action is being submitted to the Court for entry of an order, pursuant to Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412, noting that Plaintiff has spent 14 attorney hours and 1.25 legal assistance hours; and it appearing that the Commissioner of Social Security has taken a position in the matter that has not been substantially justified, in that the Defendant has defended this case when there could have been no reasonable expectation that the Defendant could ultimately prevail; and therefore should pay the plaintiff's attorney the sum of \$ 2,714.75 for attorney fees and in full and final settlement of all claims due against the Social Security Administration for attorney fees and costs arising under the Equal Access to Justice Act. 28 U.S.C. § 2412(d). Further, that Plaintiff, through affidavit has assigned to his attorney the right to any entitlement to the EAJA award.

It is therefore ordered that the Commission of Social Security pay to plaintiff's attorney, the sum of \$ 2,714.75 in full satisfaction of any and all claims arising under the Equal Access to Justice Act and upon the payment of such sum this case is dismissed with prejudice.

This the 17 day of September, 2013.

